

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

BARRY CALAMIA,

Plaintiff,

16-6140 (GBD)

-against-

NOTICE OF MOTION

**THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPT., OFFICER JOHN DOE,
OFFICER JOHN DOE 2, KINGS COUNTY
DISTRICT ATTORNEY'S OFFICE, "**

Defendants

PLEASE TAKE NOTICE, that upon the annexed affirmation of Tejinder Bains, Esq., associated with The Law Offices Of Ali And Bains PC., and upon all the prior proceedings heretofore had herein, the undersigned will move this Court, at the Daniel Patrick Moynihan United States Courthouse located at 500 Pearl St. New York, NY 10007-1312 Courtroom 11A on February 23, 2018, at 9:30 o'clock in the forenoon of that day or as soon thereafter as Counsel may be heard for an order discharging the Law offices of Ali and Bains PC as attorney of record for plaintiff Barry Calamia and stay the proceedings for the plaintiff to obtain new counsel.

DATED: QUEENS, NEW YORK
January 31, 2018

Yours, etc.
Attorney for Defendant
Law Offices of Ali and Bains PC
118-35 Queens Boulevard
Forest Hills NY 11375
BY: Tejinder Bains, ESQ.
(718) 544-8000
TB7020

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

BARRY CALAMIA,

Plaintiff,

16-6140 (GBD)

-against-

AFFIRMATION

**THE CITY OF NEW YORK, THE NEW YORK
CITY POLICE DEPT., OFFICER JOHN DOE,
OFFICER JOHN DOE 2, KINGS COUNTY
DISTRICT ATTORNEY'S OFFICE, "**

Defendants

Tejinder Bains, an attorney associated with Ali and Bains PC counsel for the defendant, affirms, under the penalties of perjury, that:

1. All allegations contained in this affirmation, made in support of my Motion, and are based upon facts known to be true and upon information and belief, the sources of which are official Court papers, conversations with Assistant United States Attorneys and with the plaintiff, preliminary investigative work conducted by plaintiff counsel, and prior proceedings held herein.
2. I make this affirmation in support of my motion for an Order granting discharging Ali and Bains PC as attorney for the plaintiff.
3. This matter was commenced in 2016. I have diligently worked on this case, made all appearances met with my client at on multiple occasions, reviewed the documents and proof for the cause of action for this matter, drafted, reviewed filed and served the summons and complaint.

4. No 160.50 release was provided with the summons and complaint.

5. After service of the summons and complaint I spoke to Ariel Lichterman, an attorney with the Corporation Counsel. He indicated that he was waiting to answer the complaint but needed the 160.50 release.

6. I contacted Mr. Calamia to have him execute the release.

7. On May 7, 2017 I mailed Mr. Calamia a copy of rule 83.10 and another copy of the release to sign.

8. I again spoke to Mr. Calamia on or about July 27, 2017 and explained that we could not go forward with his case and he should look for alternate counsel since we would seek to be relieved.

9. Although he executed the release, there is a breakdown of the attorney client relationship that prevents me from further representing Mr. Calamia. He does not have any faith in the legality of my opinions on matters of law. I had previously notified him again August 2017 that he needs to seek alternative representation.

10. It took substantial time and energy to get the waiver signed and this is indicative of the difficult attorney client relationship which has not gotten better.

11. He indicated he would retain other counsel and he authorized me to talk to two or three attorneys who called my office subsequently asking about the status of the case yet it seems no one was retained.

12. We have taken no retainer money from Mr. Calamia, even though we have expended substantial amounts of time and paid all fees and service charges, we do not seek

any charging lien, which we relayed to the attorneys who called about the case .

13. WHEREFORE I request that the court grant our motion and for other relief it deems just and proper.

January 31, 2018



Tejinder Bains
Yours, etc.
Attorney for Defendant
Law Offices of Ali and Bains PC
118-35 Queens Boulevard
Forest Hills NY 11375
BY: Tejinder Bains, ESQ.
TB7020
718 544-8000

I Tejinder Bains hereby affirm that I served a copy of this motion and supporting papers on Barry Calamia on January 31, 2018 at

BY CERTIFIED AND REGULAR MAIL

Barry Calamia
5901 Avenue M
Brooklyn NY 11234
January 31, 2018



Tejinder Bains

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